

UNITED STATES DISTRICT COURT

DISTRICT OF MINNESOTA

In re NASH FINCH CO. SECURITIES	)	Civ. No. 0:05-cv-02934-ADM-AJB
LITIGATION	)	
	)	<u>CLASS ACTION</u>
	)	
This Document Relates To:	)	STIPULATION DISMISSING THE
	)	INDIVIDUAL DEFENDANTS
ALL ACTIONS.	)	
	)	

This Stipulation Dismissing Individual Defendants (the “Dismissal Stipulation”) is entered into by and among Lead Plaintiff Central Laborers’ Pension Fund (on behalf of itself and each of the Settlement Class Members) (“Lead Plaintiff”), by and through its counsel of record, and the Individual Defendants Ron Marshall, LeAnne Stewart and Kathleen McDermott (the “Individual Defendants”), by and through their counsel of record.

1. Lead Plaintiff hereby dismisses the Litigation without prejudice against the Individual Defendants pending this Court’s approval of the Stipulation of Settlement dated as of March 11, 2008 (the “Stipulation”), entered into between Lead Plaintiff and Defendant Nash Finch Company.<sup>1</sup>

2. Upon the Effective Date of the Stipulation, as that term is defined in ¶1.6 of the Stipulation, the dismissal of the Individual Defendants will be with prejudice.

3. Upon the Effective Date of the Stipulation, the Lead Plaintiff and each of the Settlement Class Members, on behalf of themselves, their heirs, executors, administrators, successors and assigns, shall be deemed to have, and by operation of the Judgment shall have, fully, completely, finally, and forever released, remised, relinquished and discharged each and every Released Claim against each and every Individual Defendant and Released Person, and shall forever be barred and enjoined from prosecuting any Released Claim against each and every Individual Defendant and Released Person.

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<sup>1</sup> All capitalized terms not herein defined shall have the same meanings as assigned to them in the Stipulation.

4. Upon the Effective Date of the Stipulation, the Individual Defendants shall be deemed to have, and by operation of this Dismissal Stipulation shall have, fully, completely, finally, and forever released, remised, relinquished and discharged each and all of the Settlement Class Members, Lead Plaintiff, Lead Counsel and Plaintiffs' Counsel from all claims (including Unknown Claims) arising out of, relating to, or in connection with, the institution, prosecution, assertion, settlement or resolution of the Litigation or the Released Claims, other than Claims to enforce the terms of this Dismissal Stipulation.

5. In the event that the Stipulation is not approved by the Court or the settlement set forth in the Stipulation is terminated or fails to become effective in accordance with its terms, this Dismissal Stipulation and the agreements set forth herein are null and void and Lead Plaintiff and the Individual Defendants shall be restored to their respective positions in the Litigation. In that event, the Individual Defendants agree that they shall not plead or otherwise assert that the period between December 19, 2005 and the time that the Individual Defendants are restored to their respective positions in the Litigation is or should be considered in determining whether any statutes of limitation, laches, and/or any other defense based upon the lapse or passage of time, bars any claim against the Individual

Defendants in the Litigation. However, nothing in this Dismissal Stipulation shall limit or otherwise affect any defense available to the Individual Defendants as of December 19, 2005.

IT IS SO STIPULATED.

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DATED: March 11, 2008

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